IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10102 of 2004

Between:

1 M. Nataraj, S/o. M.C. Somappa,
R/o. Yemmiganur Town, Kurnool District.
2 M.P. Keshavulu, S/o. M.C. Somappa,
R/o. Yemmiganur Town, Kurnool District.
3 C.V. Somi Reddy, S/o. C.V. Venepasesha Reddy,
R/o. Yemmiganur Town, Kurnool District.
4 T.Md. Haneef Sahile, S/o. Khader Sahile,
R/o. Yemmiganur Town, Kurnool District.
5 B. Narasanna, S/o. B.C. Thimmaiah,
R/o. Yemmiganur Town, Kurnool District.
6 B. Kottur Basappa, S/o. B. Nanjudappa,
R/o. Yemmiganur Town, Kurnool District.
7 G. Adenna, S/o. G. Yellappa,
R/o. Yemmiganur Town, Kurnool District.
8 K. Mallaiah, S/o. K. Rama Lingaiah,
R/o. Yemmiganur Town, Kurnool District.
9 K. C. Mallappa, S/o. K. Rama Lingappa,
R/o. Yemmiganur Town, Kurnool District.
10 M. Venkateshappa, S/o. M. Sankarappa,
R/o. Yemmiganur Town, Kurnool District.
11 M.Somanna, S/o. M. Sankarappa,
R/o. Yemmiganur Town, Kurnool District.
12 M. Nagaraju, S/o. M. Sankarappa,
R/o. Yemmiganur Town, Kurnool District.
13 J.A. Salam, S/o. J. C. Khasim Saheb,
R/o. Yemmiganur Town, Kurnool District.
14 M. Paramesappa, S/o. M. Sankarappa,
R/o. Yemmiganur Town, Kurnool District.
15 T. Ajaiah, Tulla, S/o. T.M. Haneeb Sab,
R/o. Yemmiganur Town, Kurnool District.
16 P. Hajeeb, S/o. P. Rahiman Saheb,
R/o. Yemmiganur Town, Kurnool District.

17 T. Mohd. Iqbal, S/o. T.M. Haneep Sab,
R/o. Yemmiganur Town, Kurnool District.
18 T. Inaee Tulla, S/o. T.A. Sattar Saheb,
R/o. Yemmiganur Town, Kurnool District.
19 T. Samuddin, S/o. T.M. Haneep Sab,
R/o. Yemmiganur Town, Kurnool District.
20 U.K. Sreenivasulu, S/o. U. K.Giddaiah,
R/o. Yemmiganur Town, Kurnool District.
21 M. Krupanandam, S/o. M. Valamanna,
R/o. Yemmiganur Town, Kurnool District.
22 U. Lakshmi Devi, W/o. U.C. Ramaiah,
R/o. Yemmiganur Town, Kurnool District.
23 Golla Nadi Muneppa, S/o. Golla Banjarappa,
R/o. Yemmiganur Town, Kurnool District.

..... PETITIONERS

AND

1 The Govt. of A.P., Rep by its Secretary,
Revenue Department, Secretariat, Hyderabad.
2 Government of Andhra Pradesh, rep by its Secretary,
Social Welfare Department, Hyderabad.
3 The Chief Commissioner of Land Administration,
Government of Andhra Pradesh, Hyderabad.
4 The District Collector, Kurnool.
5 The Land Revenue Officer-Cum-Revenue Divisional Officer,
Adoni, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus to direct the respondents to pay to the petitioners compensation in accordance with the Judgment at rendered by a Bench of this Hon'ble Court in A.S.Nos.1544, 1547, 1549 and 1551 of 1986 etc., or alternatively to pass an award taking in to consideration the Market Value as determined in the above said Judgment or Regd. sale deed of lands of adjoining house sites and to pass

Counsel for the Petitioners : Mr. E.AYYAPU REDDY, Advocate.

Counsel for the Respondents : The GP FOR REVENUE

The Court made the following ORDER:

This writ petition is filed by the petitioners, who are 23 in number, whose lands have been acquired by the respondents as early as in the year 1998 by issuing a notification under Section 4(1) of the Land Acquisition Act (for short 'the Act') on 17-10-1998. It is stated that possession was already taken by the respondents for providing house sites to the weaker sections and accordingly, they were also provided by distributing the land.

2. With reference to the payment of compensation, a committee, constituted for fixing of the market value, taken up the matter. Though there were negotiations at the District Level Negotiation Committee, it failed to fix up the market value and the mater was referred to the Chief Commissioner of Land Administration - third respondent here in, who is the State level negotiations committee. Even at that level also, the negotiations were not successful and thereafter, no further steps have been taken. Though the negotiations were failed as early as in December, 2003, as no compensation was paid to the petitioners, who lost their land, they have come up with the present writ petition.

3. When this matter came up on 22-06-2004, the Government Pleader is directed to find out whether 4(1) notification was issued or not before taking possession of the land. On instructions, the learned Government Pleader stated that the land was acquired under notification issued under Section 4(1) of the Act. In view of the failure of the respondents in settling the compensation either by negotiation or by award, the petitioners have come up before this Court seeking appropriate relief not only to pay compensation in terms of Section 17 (3A) of the Act, but also to direct the respondents to pass an award

within a reasonable period.

4. The learned senior counsel, Mr. Ayyapu Reddy, also sought for a direction to the respondents that as the market value of the neighbouring land has already been determined by this Court in Appeals, which are referred to in the writ petition, the Land Acquisition Officer must be directed to pass award taking the market value as fixed by this Court in A.S. Nos.1544, 1547, 1549 and 1551 of 1986. The apprehension of the learned counsel is that even though there are specific directions to the Land Acquisition Officers to fix the market value not below the market value fixed by the Government as per the guidelines, but, however, invariably the Land Acquisition Officers are passing awards fixing very low market value for paying the compensation, thereby the petitioners are being driven to seek reference to the Civil Court, which is a lengthy process and thereby depriving the petitioners of their legitimate amount of compensation to which they are entitled to.

5. Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

6. Admittedly the petitioners' lands were taken possession in pursuance of the notification published under Section 4(1) of the Act, dated 17-10-1998 and as no compensation was paid so far, the respondents are directed to pay compensation immediately within a period of four weeks in terms of Section 17(3A) of the Act i.e., 80% of the market value.

7. The fifth respondent is further directed to initiate award proceedings and pass award after conducting necessary enquiry within a period of three months from the date of the receipt of a copy of this order. It is further directed that the Land Acquisition Officer is under obligation to consider the evidence, including the Judgment of this Court, as well as the market value fixed by the Government, while fixing the market value in the award proceedings. As the compensation has to

be paid by the Social Welfare Department, represented by the second respondent, the second respondent is also specifically directed to make 80% of the compensation available to the Land Acquisition Officer for disbursement within the period stipulated above.

8. The writ petition is accordingly disposed of with the above directions.

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24-06-2004

Note: Furnish C.C in 3 days
B/o
ES/VA

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1 The Govt. of A.P., Rep by its Secretary,
Revenue Department, Secretariat, Hyderabad.
2 Government of Andhra Pradesh, rep by its Secretary,
Social Welfare Department, Hyderabad.
3 The Chief Commissioner of Land Administration,
Government of Andhra Pradesh, Hyderabad.
4 The District Collector, Kurnool.
5 The Land Revenue Officer-Cum-Revenue Divisional Officer,
Adoni, Kurnool District.
6. Two C.Cs. to G.P. for Revenue, High Court of Hyderabad, (OUT).
7. Two C.D. copies.